

ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

January 18, 2018

C9-17-11 MidFirst Bank – I-10 and Craycroft Road C-2 and R-1 to I-1

BACKGROUND

This is a request by Bruce Paton of Rick Engineering, on behalf of the property owners, MidFirst Bank and Beaufort Company LLC and NNK LLC, to rezone approximately 14.61 acres from C-2 and R-1 to I-1 zoning. The rezoning site is located along the south frontage of I-10, extending southeast from S. Burcham Avenue (see Case Location Map). As discussed below, the preliminary development plan (PDP) proposes I-1 zoning for the rezoning site, with potential access to the Eastbound I-10 Frontage Road.

PUBLIC HEARING SUMMARY (Minutes Attached)

At the August 3, 2017 Zoning Examiner's Public Hearing, staff reported no written approvals and one written protest that was outside the 150 foot protest area.

The applicant gave a brief description of the project and and stated no objection to the Planning and Development Services' rezoning conditions.

No one else spoke about the case.

SUMMARY OF FINDINGS

Existing Land Use and General Location –The rezoning site is vacant land. To the north is zoned C-2 and includes the I-10 Right-of-Way. The properties to the south are zoned R-1 and PAD 14. The R-1 land is vacant, and PAD-14 is the Los Reales Landfill. To the east is zoned C-2 and includes the I-10 Right-of-Way. To the west is zoned R-1 and C-2 and includes vacant City-owned land and truck repair service.

Land Use Plans –

Land use policy direction for *this* area is provided by *Plan Tucson (PT)* and the *Ricon/Southeast Subregional Plan (RSSP)*

The rezoning site is located within a Business Center as identified on the Future Growth Scenario Map of *Plan Tucson*. Business centers are major commercial or employment districts that act as major drivers of Tucson's economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses. Existing examples in Tucson include the University of Arizona Science and Technology Park, Tucson Mall, and the Tucson International Airport area

C9-17-11 MidFirst Bank – I-10 and Craycroft Road
Rezoning: C-2 and R-1 to I-1

Plan Tucson includes policies regarding annexation, infill of vacant or underutilized parcels adjacent to existing regional and community-level activity Centers, and sensitively planned infill and redevelopment projects.

The site has been annexed into the City of Tucson and is within the Tucson Water Service Area. The proposed industrial development is consistent with its location within the I-10 corridor and its proximity to the Los Reales Landfill.

The site is vacant and underutilized. As the I-10 corridor continues to develop, so does the potential for this site. The site is adjacent to community-level activity centers that provide commercial and employment opportunities. These uses include the Manheim Tucson auction site, Freightliner of Arizona Truck Dealer, truck stop with restaurants and the Los Reales Landfill.

Industrial land uses on the site will be compatible with surrounding uses. The Los Reales landfill lies to the south, truck services are located immediately west, and the I-10 ROW fronts the north/east boundary of the site. Future development will conform to the setback, landscaping and screening, lighting and other standards in the Unified Development Code (UDC).

The site is adjacent to I-10 and there is Interstate access at Craycroft Road on the west and Wilmot Road to the east. A Sun Tran bus stop exists within 0.2 miles from the site on Craycroft Road. Tucson International Airport is about 4 miles from the site. Appropriate UDC site design measures will be implemented at the time of development review.

The *RSSP* Characterizes the I-10 corridor as a multi-functional corridor to designate areas for integrated development of complementary uses along major transportation corridors. These areas contain commercial and other nonresidential services and high-density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian. Medium-high urban land use intensities are supported.

Urban Industrial uses are also anticipated at developing nodes along the corridor. In the general area of the rezoning site, the *RSSP* states, “*Most of this area is planned for Urban Industrial uses, in response to existing uses, location of the railroad and interstate highway, and the impact of the AEZ. Areas adjacent to the highway are planned Multifunctional Corridor to respond to needs and opportunities for providing services to travelers. In spite of existing residential zoning, the plan categories reflect the fact that the area appears to be suitable for business and industrial uses.*”

Applicable site-specific policies within the *RSSP* address site analysis, archaeological and historic elements, site design, circulation, landscaping, transportation and waste water. The policies are all addressed through UDC requirements or rezoning conditions.

C9-17-11 MidFirst Bank – I-10 and Craycroft Road
Rezoning: C-2 and R-1 to I-1

Design Considerations

Land Use Compatibility – The rezoning site consists of two parcels under separate ownership, totaling 14.61 acres. Generally, the site is long and narrow, fronting along the I-10 ROW. Approximately 60% of the site is zoned C-2. The remainder is zoned R-1. The R-1 zoning designation continues to adjacent properties to the south. Traffic to and from the site will not be routed through any neighboring subdivision.

City Staff supports the rezoning. The City has acquired all of the residential properties east of Craycroft Road, from the I-10 Frontage Road, south to Los Reales Road as part of a strategy to transition the area from residential uses to commercial and industrial uses that are compatible with the Los Reales landfill operation. The owners of the subject properties agreed with the City, as part of the Pre-Annexation Development Agreement (PADA), to pursue rezoning of the site to eliminate the residential zoning, and continue the transition of the area zoning to industrial/commercial.

The applicant proposes to rely on the UDC to guide the development design for the site. While the City Staff supports the rezoning without a detailed Preliminary Development Plan (PDP) to guide the future development of the site, rezoning land for industrial uses that is adjacent to residential zoning raises broad categories of compatibility concerns regarding privacy, noise, visual impacts and traffic. Therefore, staff is proposing rezoning conditions to promote compatibility, should residential development occur on the adjacent properties. The conditions are written in the context of adjacent residential zoning. Should the adjacent zoning change to non-residential, the conditions will no longer apply.

Drainage/Grading/Vegetation – The land exhibits little topographic variation. Shallow slopes drain water across the site from northeast to southwest. Three watersheds impact the site. There are no watercourses on the site that are regulated by the Environmental Resource Zone or the WASH.

Existing on-site vegetation consists of Sonoran Desert Scrub, Paloverde-Mixed Cacti Series. The predominant plant species are creosote, cholla, sparse occurrences of velvet mesquites and various cacti. The land surrounding the site is mostly vacant.

Views into the site are of the vegetation described above. Views from the site to the north reveal single-family residences across I-10, to the south – vacant land, to the west – truck repair service, and to the south landfill.

Road Improvements/Vehicular Access/Circulation – Currently, the rezoning site only has access to South Burcham Avenue, an unimproved local street. As part of the PADA, the City has agreed to grant a 90 foot-wide access across its acquired properties to South Craycroft Road, or to Los Reales Road. Applicant indicates the site will have right-in, right-out access onto the east bound I-10 Frontage Road. Vehicles will enter the frontage road at Craycroft Road to access the site, and will leave the site eastbound and exit the frontage road at Wilmot Road.

C9-17-11 MidFirst Bank – I-10 and Craycroft Road
Rezoning: C-2 and R-1 to I-1

Utilities – Future development will connect to the existing sewer line in Craycroft Road. Tucson Water has indicated through the annexation agreement that it will provide water to the site. The site is within the service area of Tucson Electric Power. Southwest Gas has indicated its ability to serve the site through natural gas main located in a utility easement at the northwest side of Craycroft Road. Century Link has indicated their ability to serve the site from existing lines along the eastbound I-10 Frontage Road. Cox and Comcast service areas do not include the rezoning site.

Existing Improvements – There are no buildings on the site. An existing wire fence runs along the I-10 Frontage Road boundary. There are no billboards on the site.

CONCLUSION

The proposed zoning is substantially in compliance with *Plan Tucson* and the direction of the *Ricon/Southeast Subregional Plan*.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning to the I-1 zone subject to the Zoning Examiner's recommended conditions.

Respectfully Submitted,



Thomas Sayler-Brown, AIA, NCARB
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Zoning Examiner Conditions

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner
John Beall, Planning & Development Services
Cindy Leyba, City Recording Clerk

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1 ZONING EXAMINER: Our next case is C9-17-11 MidFirst Bank,
2 I-10 & Craycroft Road.

3 MR. BEALL: This is a request by Bruce Paton of Rick
4 Engineering on behalf of the property owners, MidFirst Bank and
5 Beaufort Co., LLC, and NNK LLC, to rezone approximately 14.61 acres
6 from C-2 and R-1 to I-1 zoning.

7 The rezoning site is located along the south frontage of I-
8 10 extending southeast from South Burcham Avenue. The Preliminary
9 Development Plan proposes I-1 zoning for the rezoning site with
10 potential access to eastbound I-10 frontage road.

11 The rezoning site is located within a business center as
12 identified on the Future Growth Scenario Map of Plan Tucson. Business
13 centers are major commercial or employment districts that act as major
14 drivers of Tucson's economy. The centers generally contain corporate
15 or multiple use - office, industrial or retail uses.

16 The proposed industrial development is consistent with this
17 location within the I-10 corridor and in proximity to the Los Reales
18 Landfill. The site is vacant and under-utilized. As the I-10
19 corridor continues to develop, so does the potential for this site.

20 The site is adjacent to community level activity centers
21 that provide commercial and employment opportunities. These include
22 the Manheim Tucson Auction site, Freightliner of Arizona truck dealer,
23 truck stop with restaurants and the Los Reales Landfill.

1 The City supports rezoning the site to further the
2 objective of transitioning from residential to commercial industrial
3 zoning in the vicinity of the Los Reales Landfill. The Applicant
4 proposes to rely on the UDC to guide a development design for the
5 site.

6 While the City supports the rezoning site, it also is
7 requesting to guide the future development of the site in the rezoning
8 land for industrial uses that is adjacent to residential zoning by
9 proposing rezoning conditions to promote compatible - compatibility
10 should residential development occur on the adjacent properties.

11 The conditions are written in the context of adjacent
12 residential zoning. Should the adjacent zoning change to non-
13 residential, the conditions will no longer apply.

14 The proposed zoning is in compliance to Plan Tucson, and
15 the direction of the Rincon Southeast Regional Plan. Subject to
16 compliance with the attached Preliminary Conditions, approval of the
17 requested I-1 zoning is appropriate.

18 As of to date, there's been one prote- -- zero approvals
19 and one protest. And the protest is outside the 150 feet.

20 ZONING EXAMINER: Thank you, Mr. Beall. Do we have anyone
21 from the Applicant wishing to speak?

22 MR. CASTRO: Good evening, Mr. Sayler-Brown and Mr. Beall.
23 My name is Dan Castro with Rick Engineering Company, here on behalf of
24 Bruce Paton. Also joining me this evening is Mr. Eddie Leon,

1 representing the ownership. As Mr. Beall alluded, there are two
2 ownership entities on this case.

3 And we'd like to agree to the conditions as modified. I
4 don't know if you've had a chance to look at the, the letter -

5 ZONING EXAMINER: Yes.

6 MR. CASTRO: - I prepared.

7 ZONING EXAMINER: Thank you.

8 MR. CASTRO: Okay. So, we agree to the conditions as
9 modified per my letter dated January 2nd, 2018, to Mr. Beall. And if
10 you have any further questions, I'd be more than happy to answer them
11 for you.

12 ZONING EXAMINER: At this time, I really don't have any
13 more questions for you.

14 MR. CASTRO: Thanks.

15 ZONING EXAMINER: So, thank you. Anybody else wish to
16 speak for the Applicant? Okay. I haven't seen a yellow card, but
17 then it's 'cause I haven't walked up to the front there. Have you all
18 filled out a yellow card to speak on this case? Do you wish to speak
19 in this case? You don't?

20 Okay. Anybody wish to speak? Okay. So, I'm gonna close
21 the hearing. I'm taking the testimony and the evidence and the
22 documentation that I've got. I'll prepare a preliminary report within
23 five working days. Thank you all for coming tonight, and have a very
24 safe trip home. Good night.

25 (Case: C9-17-11 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 01/10/18

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
M&M Typing Service

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan and the design compatibility report, both dated October 24, 2017, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
8. All dumpsters, loading zones, parked idling trucks, and any other outdoor activities shall be located a minimum of 50 feet from the boundary of adjacent residential zone.
9. Buildings within 100 feet of residential zone shall be a maximum height of 40 feet. Windows, associated with a mezzanine, or above the first floor, and facing a residential zone, shall be clerestory with the bottom sill a minimum of six (6) feet above the mezzanine floor.

9. Outdoor storage within 50 feet of a residential zone shall separately screened with an opaque screen and the stored material height shall not exceed the height of the screen.
10. Portions of the rezoning site are within 500 feet of the boundary of the Los Reales Landfill, therefore future development may be subject to Chapter 29, Article IX of the Tucson Code regarding Development Regulations and Public Notice in the Proximity of Designated Landfills. The developer shall contact Environmental Services, prior to the submittal of any plans to determine applicability of the Chapter 29, Article IX.